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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) Case No. CR 17-00491 RS

V.

MARC HOWARD BERGER

Defendant

) Case No. CR 17-00491 RS

) STIPULATION AND [PROPOSED]
)) ORDER

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STIPULATION

WHEREAS, on December 12, 2017, defendant Marc Howard Berger, represented by Miranda Kane, Esq., and the government, represented by Robert S. Leach, Assistant United States Attorney, appeared before the Court for a status hearing;

WHEREAS, the Court set this matter for jury trial on July 9, 2018, with jury selection to begin July 6, 2018;

1 WHEREAS, the government has produced discovery in excess of 500GB of data pursuant to
2 Rule 16;

3 WHEREAS, the parties agree that the time between December 12, 2017, and July 6, 2018 should
4 be excluded under the Speedy Trial Act to afford counsel time to review the discovery and to conduct
5 any necessary investigation;

6 WHEREAS, failing to exclude the time between December 12, 2017, and July 6, 2018, would
7 unreasonably deny the defendant continuity of counsel and would deny counsel the reasonable time
8 necessary for effective preparation, taking into account the exercise of due diligence, and under the
9 circumstances, the ends of justice served by a continuance outweigh the best interests of the public and
10 the defendant in a speedy trial;

11 WHEREAS, pursuant to Criminal Local Rule 47-2(c), counsel for the government calculates
12 that, under 18 U.S.C. § 3161, there are seventy (70) days remaining before a trial of defendant must
13 commence;

14 THEREFORE, the United States and the defendant Berger, through undersigned counsel, hereby
15 stipulate and agree that the period of time from December 12, 2017, and July 6, 2018, shall be excluded
16 in computing the time within which the trial of the offenses alleged in the Indictment must commence
17 under 18 U.S.C. § 3161.

18 STIPULATED AND AGREED TO:

19 Dated: January 11, 2018

ALEX G. TSE
Acting United States Attorney

21 /s/

22 ROBERT S. LEACH
23 Assistant United States Attorney

24 LORI A. HENDRICKSON
25 Trial Attorney
26 U.S. Department of Justice, Tax Division

1 Dated: January 11, 2018

KANE & KIMBALL LLP

2 /s/

3 MIRANDA KANE
4 Attorney for Defendant Marc Howard Berger

5 ~~[PROPOSED]~~ ORDER

6 PURSUANT TO STIPULATION and for good cause shown, the Court finds that failing to
7 exclude the time between December 12, 2017, and July 6, 2018, would unreasonably deny the defendant
8 continuity of counsel and would deny counsel the reasonable time necessary for effective preparation,
9 taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further
10 finds that the ends of justice served by excluding the time between December 12, 2017, and July 6,
11 2018, from computation under the Speedy Trial Act outweigh the best interests of the public and the
12 defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that the time between December 12,
13 2017, and July 6, 2018, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §
14 3161(h)(7)(A) and (B)(iv).

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16 Dated: 1/18/18


17 HON. RICHARD SEEBORG
18 United States District Judge